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HIGH COURT OF CHHATTISGARH AT BILASPUR

W.P. (C) No. 3965 of 2007

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| Petitioner | | Anand Ram Khunte, S/O Shri Sukhlal Khunte, Aged about-45 yrs. By Post:-Sarpanch, Gram Panchayat:-Kishanpur, At Present-Panch, Block-Pithora, Tahsil-Mahasamund, Distt.-Mahasamund (C.G.) |
| | Versus | |
| Respondents | 1. | The State of Chhattisgarh, Through The Collector, Distt.:-Mahasamund, (C.G.) |
| | 2. | The Sub-Divisional Officer, Revenue-Mahasamund, Distt.:-Mahasamund,(C.G.) |
| | 3. | The Naiyab-Tahsildar, (Shri B.L.Sahu) Revenue Officer-Pithora, Tahsil & Distt:-Mahasamund, (C.G.) |
| | 4. | Miniketan S/O Mohit Ram, Vice-President, Gram-Panchayat-Kishanpur, Tahsil-Mahasamund, Distt.:- Mahasamund, (C.G.) |
| | 5. | Koushal Kishore, S/O Shri Sankirtan, By Post :- Panch, |
| | 6. | Sakha Ram, S/O Shri Mayaram, By Post :- Panch, |
| | 7. | Surit Ram, S/O Shri Chhagan, By Post :- Panch, |
| | 8. | Jogendra, S/O Shri Rajjano, By Post :- Panch, |
| | 9. | Ramawtar, S/O Shri Bisesar, By Post :- Panch, |
| | 10. | Heera Lal, S/O Shri Bairagee, By Post :- Panch, |
| | 11. | Samaru, S/O Shri Pardeshi, By Post :- Panch, |
| | 12. | Jaggannath, S/O Shri Ravishankar, By Post :- Panch, |
| | 13. | Smt. Meena Bai, W/O Shri Narendra, By Post :- Panch |
| | 14. | Smt. Tappaswani Bai, W/O Shri Mohan, By Post :- Panch, |
| | 15. | Smt. Bilas Bai, W/O Shri Arkhit, By Post : - Panch, |
| | 16. | Smt. Manorma, W/O Shri Surendra, By Post – Panch, |
| | 17. | Smt. Samay Bai, W/O Shri Sant Lal, By Post :- Panch, |
| | 18. | Smt. Gouri Bai, W/O Shri Sant Ram, By Post : - Panch, |
| | | All the above Respondent No. 04 to 18 are R/O Gram – Kishanpur, |

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Block- Pithora, Tahsil & Distt. Mahasamund (C.G.)

19. Tirith Ram, S/O Shri Dewar Chand, By Post :- Panch,
20. Kartiko, S/O Shri Jagbandhu, By Post :- Panch,
21. Jal Sai, S/O Shri Chaitram, By Post :- Panch,
22. Pandit Nishad, S/O Shri Kapil Nishad, By Post :- Panch,
23. Smt. Laibani, W/O Shri Bhagat, By Post :- Panch, Gram Panchayat – Kishanpur,

All the above Respondent No. 18 to 22 are R/O Gram – Rampur, Block – Pithora, Tahsil & Distt. Mahasamund (C.G.)

**WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA**

**SB**: Hon'ble Mr. Justice **Satish K. Agnihotri**

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Shri Jameel Akhtar Lohani, Advocate for the petitioner.

Shri Yashwant Singh Thakur, Govt. Advocate for the respondents No. 1 to 3.

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ORDER

( Passed on this 11th day of July, 2007)

1. The petitioner was elected Sarpanch of Gram Panchayat Kishanpur, Block Pithora, Tahsil and District Mahasamund. An application for no confidence motion was moved against the petitioner with prior notice on 31.1.2007. There were 21 members in the Gram Panchayat Kishanpur, including the petitioner. All the members, including the petitioner, were present and participated in the meeting held on 31.1.2007. The resolution for no confidence motion was passed against the petitioner by 18 members out of the total 21 members of the Gram Panchayat in the said meting dated 31.1.2007 (Annexure P/3). 3 members voted against the no confidence motion.

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2. The petitioner has filed this petition impugning the order dated 17.4.2007 passed by the Collector, Mahasamund in Revenue Case No. 42/A-89/Year 06-07.

3. The application dated 18.1.2007 (Annexure P/2) was filed by some of the Panchas of village Panchayat Kishanpur before the Sub Divisional Officer and Prescribed Authority, for bringing no confidence motion against the Sarpanch/petitioner. On the said application, Revenue Case No. 5/06-07 was registered and vide order dated 18.1.2007 (Annexure P/2) directions were issued for taking necessary steps in regard to the no confidence motion. The petitioner challenged the proceedings of no confidence motion before the Collector, Mahasamund by filing Revision Case No. 42/A-89/Year 06-07, which has been dismissed vide order dated 17.4.2007 (Annexure P/1), holding that the no confidence motion was carried out in accordance with law.

4. Learned counsel appearing for the petitioner submits that the no confidence motion, passed against the petitioner in the meeting dated 31.1.2007, is null and void as no proper procedure was adopted while calling the meeting for no confidence motion and the petitioner was not afforded proper opportunity of hearing to defend his case.

5. The resolution dated 31.1.2007 shows that all the members, including the petitioner, were present and participated in the voting and the resolution was passed after discussion in the said meeting.

6. Be that as it may, it is admitted that the resolution was passed by overwhelming majority and the no confidence motion against

the petitioner was carried out by 18 members out of the total 21 members present. Only 3 members voted against the no confidence motion. This Court in **Ghanshyam Yadav Vs. Rameshwar Sahu and others** (Writ Petition No. 6774 of 2006, decided on 5.12.2006) has held that in the event, the resolution is passed by overwhelming majority, the no confidence motion cannot be declared null and void.

7. For the above-stated reasons, the writ petition is dismissed.

**Sd/-**
**Satish K. Agnihotri**
**Judge**

Thakur